

ADVISORY OPINION 93-021

Any advisory opinion rendered by the registry under subsection (1) or (2) of this section may be relied upon only by the person or committee involved in the specific transaction or activity with respect to which the advisory opinion is required. KRS 121. 135(4).

October 15, 1993

Hon. William H. Allison  
Allison, Garber, & Russell  
1326 South Third Street  
Louisville, Kentucky 40208

Dear Mr. Allison:

Thank you for contacting the Registry. Also, thank you for supplying us with additional facts over the phone on Tuesday, September 21, 1993. The facts to your question can be stated as follows:

You are the treasure for a judicial candidate, Eleanore Garber, and for your candidate, you would like to accept a \$500 contribution from a 501(C)(3) non-profit corporation. The possible corporate contributor is the Standiford Area Neighborhood Association, Inc. ("Association"). Under Article IV of its Articles of Incorporation, the Association is a service organization as defined by Section 501(C)(4) of the U.S. Internal Revenue Code.

Your letter dated September 3, 1993, written to a Registry administrator, suggest that under KREF v. Louisville Bar Association, Ky.App., 579 SW2d 622 (1979), any non-profit corporation may contribute to judicial candidates in Kentucky.

Your question can be stated as follows:

Is it permissible for a non-profit 501(C)(3) corporation to contribute to Kentucky judicial candidates?

The short answer to your question is no. In the opinion of the Registry, the case you cite, KREF v. Louisville Bar Association, Ky.App., 579 SW2d 622 (1979), does not stand for the proposition that all non-profit corporations may contribute to a judicial campaign in Kentucky. In KREF v. LBA, the court stated:

For the reasons hereinafter expressed, we conclude that it would not be a violation under the facts in this case, if the paid advertisement was presented according to the terms of the judgment of the trial court. Id., at 625, (emphasis added).

The facts in your question do not represent the facts in KREF v. LBA. KREF v. LBA is a case where a non-profit incorporated lawyers' service organization, which represents the general legal interests of all Louisville residents, paid for a general advertisement giving guidance as to voting for judicial candidates in Louisville. On the other hand, the facts in your question are that an association formed

to represent a single neighborhood wishes to contribute to the candidacy of a single judicial candidate. Because your question does not set forth similar facts to the facts in KREF v. LBA, KRS 121.025 prohibits the proposed contribution.

The Registry regulates a small portion of Kentucky law only and cannot give advice on or interpretation of federal law. However, you may wish to check the relevant federal Internal Revenue Code sections and corresponding regulations. There may be restrictions or prohibitions that apply to political contributions made by tax-exempt corporations.

This opinion is based upon the course of action outlined in your letter. If you should have any more questions, please give us a call. Thank you.

Sincerely,

Timothy E. Shull  
General Counsel

TES/dt